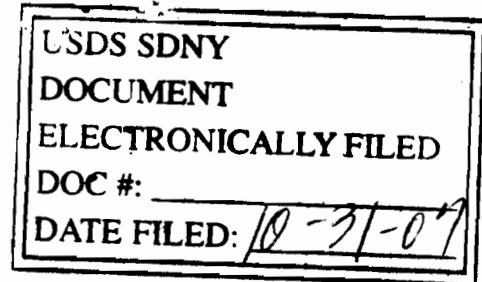


TONGRING LAW OFFICES

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October 26, 2007

Via Facsimile – 212-805-6382
The Honorable Victor Marrero
Suite 660 Courtroom 20B
United States Courthouse United States Courthouse
500 Pearl Street
New York, New York 10007



Re: *Mahoney v. J.J. Weiser* 05 CV 7117

Dear Judge Marrero:

As Your Honor may know I represent two of the defendants in this case, John Meehan and Michael Fitzpatrick. Magistrate Judge Pitman entered a lengthy 20 page *Daubert* opinion today regarding the Plaintiffs' expert. The issuance of the opinion today does not leave the parties with enough time for careful consideration of that opinion with regard to the parties' motion for summary judgment papers that are due to be filed on Monday, October 29, 2007. All of the parties conferred and reached an agreement to modify two of the three dates currently set by the Court but which keeps intact the date for the submission of replies. The agreed modified schedule that the parties ask the Court to approve is:

November 5, 2007	Submission of motions for summary judgment
November 30, 2007	Submission of opposition papers
December 17, 2007	Submission of replies

The court has previously reset the date for summary judgment by letter dated September 27, 2007 and October 17, 2007. The parties were not able to comply with the two business day rule for making this request because of the unanticipated receipt of Magistrate Judge Pitman's opinion today.

Respectfully submitted,

Suzanne Tongring
Suzanne Tongring

cc: Thomas M. Kennedy
Daniel G. Ecker
Jordan Sklar

Request GRANTED. The briefing schedule with regard to the motion for summary judgment herein is extended as set forth herein: motion papers submitted by 11-5-07; response 11-30-07; reply 12-17-07.	
DO ORDERED.	
10-30-07	<i>[Signature]</i>
DATE	VICTOR MARRERO, U.S.D.J.